

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 16-0399 FMO (GJSx)	Date	February 10, 2016
Title	H.C.L. <u>et al.</u> v. Chipotle Mexican Grill, Inc.		

Present: The Honorable	Fernando M. Olguin, United States District Judge
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Vanessa Figueroa

None

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorney Present for Plaintiff(s):

Attorney Present for Defendant(s):

None Present

None Present

Proceedings: (In Chambers) Order to Show Cause Re: Dismissal

On January 19, 2016, plaintiffs filed a Complaint in this court. However, the jurisdictional allegations appear to be defective for the following reasons:

(1) Subject matter jurisdiction is asserted under 28 U.S.C. § 1391(b)(2) on the basis that “a substantial part of the events or omissions giving rise to the claim” occurred within this district. (See Complaint at ¶ 8). That is irrelevant. Title 28 U.S.C. § 1391 is the federal venue statute, and where the events giving rise to the claim occurred is not a factor in the court’s subject matter jurisdiction. See 28 U.S.C. §§ 1331 & 1332.

(2) While plaintiffs allege that they are residents of California and defendant is a Delaware corporation with its headquarters in Colorado (see Complaint at ¶¶ 4-7), the pleadings do not sufficiently allege that any named plaintiff has a claim exceeding \$75,000, which is required in order for the court to have diversity jurisdiction pursuant to 28 U.S.C. § 1332.

Accordingly, IT IS ORDERED that:

1. No later than **February 17, 2016**, plaintiffs shall show cause in writing why this action should not be dismissed for the reasons noted above. The filing of a First Amended Complaint setting forth sufficient jurisdictional allegations shall be a sufficient response to the OSC. Failure to submit a response by the deadline set forth above may be deemed as consent to the dismissal of the action without prejudice. Defendants may submit a response in the same time period.

2. A copy of all papers filed with the court shall be delivered to the drop box outside chambers at Suite 520, Spring Street Courthouse, 312 North Spring Street, **no later than 12:00 noon the following business day**. All chambers copies shall comply fully with the document formatting requirements of Local Rule 11-3, including the “backing” requirements of Local Rule

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11-3.5. Counsel may be subject to sanctions for failure to deliver a mandatory chambers copy in full compliance with this Order and Local Rule 11-3.

Initials of Preparer 00 : 00
vdr